

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL ACTION
	:	
v.	:	
	:	
WILLIAM J. KITSCH	:	NO. 03-594

ORDER

AND NOW, this 7th day of November, 2008, upon consideration of the defendant's motion to return property (docket entry # 135), to which the Government has not filed a response, and the Court finding that:

(a) The defendant moves for return of his property under R. Crim. Proc. 41(g), under which "[a] person aggrieved . . . by the deprivation of property may move for the property's return";

(b) The Government seized the firearms, ammunition, and body armor identified in the defendant's motion around the time it arrested the defendant for criminal charges related to these items;

(c) A jury acquitted the defendant of those criminal charges on October 9, 2008;

(d) Following the jury's acquittal of the defendant, the Government has no legitimate reason to continue to deprive defendant of his property;

(e) Although the defendant cannot lawfully possess the firearms, ammunition, or body armor the Government seized, he has requested that the Government return the property to his son, William Kitsch, IV;

(f) There is no reason to believe that it would be unlawful for William Kitsch, IV, to possess firearms, ammunition, and body armor; and

(g) There is no indication that the Government or the Court will require use of the items seized from the defendant for future proceedings;

It is hereby ORDERED that:

1. The defendant's motion is GRANTED; and
2. The Government shall RETURN the firearms, ammunition, and body armor identified in the defendant's motion to defendant's son, William Kitsch, IV.

BY THE COURT:

/s/ Stewart Dalzell, J.